

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

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| |) | |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| |) | Criminal No. 2006-01 |
| v. |) | |
| |) | |
| ROBERT KENNEDY PINNEY, |) | |
| |) | |
| Defendant. |) | |
| |) | |
| _____ |) | |

ATTORNEYS:

Ishmael Meyers, AUSA
For the government,

Martial Webster,
For defendant Robert Kennedy Pinney.

JUDGMENT

Before the Court is defendant, Robert Kennedy Pinney's oral motion for judgment of acquittal on Count XII of the Indictment. Pinney made this motion at the close of the government's case. A judgment of acquittal is appropriate if after reviewing the record in a light most favorable to the prosecution the Court determines that no rational trier of fact could find proof of guilt beyond a reasonable doubt. *United State v. Brodie*, 403 F.3d 123, 133 (3d Cir. 2005).

Applying that standard to Count XII, the Court finds, after

viewing all evidence in a light most favorable to the government, that no reasonable trier of fact could find Pinney guilty. Accordingly, his motion for judgment of acquittal will be granted as to Count XII.

As to all remaining Counts, the Court finds, after viewing all evidence in a light most favorable to the government, a reasonable trier of fact could find Pinney guilty. Accordingly, his motion for judgment of acquittal will be denied as to all remaining Counts.

CONCLUSION

It is hereby **ORDERED** that Pinney's motion for judgment of acquittal is **GRANTED** as to Count XII;

It is further **ORDERED** that Pinney's motion for judgment of acquittal is **DENIED** as to all remaining Counts.

DATED: April 10, 2007

/s/
Curtis V. Gómez
Chief Judge

ATTEST:

WILFREDO MORALES
Clerk of Court

By: _____
Deputy Clerk

Copy: Hon. Geoffrey W. Barnard
Martial Webster, Esq.
Ishmael Meyers, AUSA
Lydia Trotman
Claudette Donovan
Olga Schneider
Renée André